

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

DOUGLAS SPRAGUE (CSBN 202121 )  
Chief, Criminal Division

DENISE MARIE BARTON (MABN 634052)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7359  
Facsimile: (415) 436-7234  
denise.barton@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 03-07-70345
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER
	)	EXTENDING THE TIME LIMIT FOR THE
v.	)	PRELIMINARY HEARING AND
	)	EXCLUDING TIME
GLENIO JESUA FERREIRA SILVA,	)	
	)	
Defendant.	)	
_____	)	

On June 18, 2007, at the Initial Appearance for the defendant, the parties appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 18, 2007 through July 11, 2007. Further, counsel for the defendant waived the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d). On June 27, 2007, the Honorable Bernard Zimmerman issued an Order excluding time as requested by the parties.

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the July 11, 2007 calendar and be continued until July 18, 2007 and

1 that time should be excluded from the Speedy Trial Act calculations from July 11, 2007 through  
2 July 18, 2007 for effective preparation of counsel.

3 The Government is in the process of preparing and providing discovery to the defendant.  
4 Further, counsel for the Government and defense counsel are currently discussing pre-indictment  
5 resolution of this matter. Finally, counsel for the defendant does not believe it is within his  
6 client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.  
7 5.1(c),(d). The parties represent that granting this continuance is necessary for effective  
8 preparation of counsel to permit defense counsel to review discovery and to afford counsel time  
9 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18  
10 U.S.C. § 3161(h)(8)(B)(iv).

11 IT IS SO STIPULATED.

12 SCOTT N. SCHOOLS  
13 United States Attorney

14 DATED: July 3, 2007

15 /s/  
16 DENISE MARIE BARTON  
Assistant United States Attorney

17 DATED: July 3, 2007

18 /s/  
19 STEVEN GRUEL  
Attorney for GLENIO JESUA FERREIRA  
20 SILVA

21 **IT IS SO ORDERED.**

22 The Preliminary Hearing shall be removed from the July 11, 2007 calendar and be  
23 continued until July 18, 2007. For the reasons stated above, the Court finds that the ends of  
24 justice served by the continuance outweigh the best interests of the public and the defendant in a  
25 speedy trial and that time should be excluded from the Speedy Trial Act calculations from July  
26 11, 2007 through July 18, 2007 for effective preparation of counsel. See 18 U.S.C.  
27 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
28

1 effective preparation of counsel, taking into account the exercise of due diligence, and would  
2 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

3  
4  
5 DATED: \_\_\_\_\_

\_\_\_\_\_

Honorable James Larson  
United States Magistrate Judge